

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

| | | |
|--------------------------|---|----------------------|
| UNITED STATES OF AMERICA |) | |
| |) | No. 1:06-cr-57 |
| v. |) | <i>Judge Mattice</i> |
| |) | |
| BRANDON MILLS |) | |

ORDER

On October 6, 2006, United States Magistrate William B. Mitchell Carter received a letter from Stephen M. Dewalt, Warden of the Federal Bureau of Prisons in Lexington, Kentucky, and a Forensic Evaluation of defendant Brandon Mills. The finding in the evaluation was that the defendant is currently competent to stand trial. On October 12, 2006, a Waiver of Mental Competency Hearing was filed with this Court by counsel for Mr. Mills. [Court Doc. No. 42].

Magistrate Judge Carter filed his report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Criminal Procedure 59(a), recommending on the basis of the report and the waiver that Defendant Brandon Mills be found competent to stand trial, on October 13, 2006. [Court Doc. No. 41.]

After reviewing the record, the Court agrees with Magistrate Judge Carter's report and recommendation. The Court thus **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's recommendations pursuant to § 636(b)(1) and Rule 59(a).

Accordingly, the Court **FINDS** that Defendant Brandon Mills is competent to stand trial.

SO ORDERED this 12th day of December, 2006.

s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE